IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1324 OF 2006

Sarwar Khan s/o Jafar Khan Pathan .. Petitioner.
Vs.
The State of Maharashtra & Others .. Respondents.

Mr.P.N.Patil for the petitioner.
Mr.R.Y.Mirza A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 28TH JULY, 2006

P.C.:

. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Mr.Patil, learned counsel for the petitioner has not pressed the prayers made in the petition and submitted that the petitioner will be satisfied if the trial Court is directed to decide his application dated 16.11.2005 (Exhibit-B) raising preliminary objection as to the jurisdiction of the Court before proceeding with the hearing of main application bearing M.A.No.166/2004 filed by the respondent-wife. He further submits that the petitioner has paid the maintenance as per the order dated 24.12.2004 to the respondent-wife and daughter. Considering the submission of Mr.Patil I am satisfied that the

following order shall meet the ends of justice:

(a) The Judicial Magistrate, First Class, Yeola shall endeavour to dispose of the application dated 16.11.2005 as expeditiously as possible and preferrably within a period of three months from the date of receipt of this order. It is open for the learned Magistrate, if he finds it possible, to dispose of main miscellaneous application No.166 of 2004 itself with application dated 16.11.2005 within the aforestated time.

(b) This order will operate only if the petitioner has paid the entire arrears of maintenance as granted vide order dated 24.12.2004 and keeps paying monthly maintenance to respondent nos.2 and 3 until disposal of application dated 16.11.2005 and/or Miscellaneous Application No.166 of 2005. If the petitioner fails to deposit the arrears of maintenance, if any, within six weeks from today this order shall not operate and in that case it would be open for the respondent-wife to adopt such proceedings as may be advised to recover the arrears of interim maintenance.

. With these observations this petition is disposed of.

(D.B.Bhosale, J.)